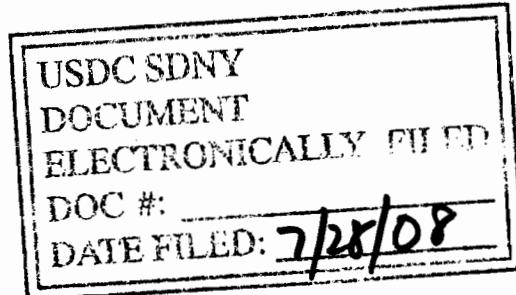
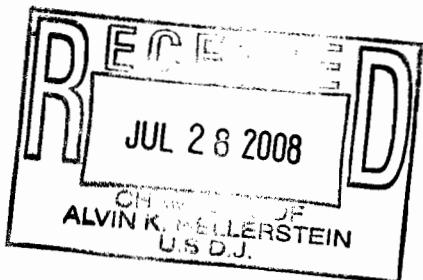


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July 25, 2008

*so ordered  
7-28-08  
A.J. Patella*

**VIA FACSIMILE**

The Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: *David Feige v. RCN Corporation U7 cv 8539*

Dear Judge Hellerstein.

The parties in the above matter have made significant progress in discussing a possible settlement and therefore respectfully request a modification of the Civil Case Management Plan Limited to Class Discovery so-ordered by Your Honor on June 19, 2008 (the "Case Management Plan").

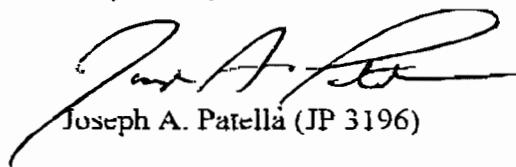
On July 1, 2008, the parties participated in a mediation with JAMS. While a settlement was not reached, the parties have continued to discuss the parameters of a possible resolution with the assistance of the JAMS-appointed mediator, who has remained involved in the negotiations at the request of the parties. Both sides agree that additional time and resources should be dedicated to further settlement discussions.

The parties have exchanged written class discovery but have yet to take depositions. By letter dated June 19, 2008, the parties made their first request for a modification of the Civil Case Management Plan, as the parties sought to avoid the significant time and expense related to the preparation and taking of depositions in advance of the mediation. Your Honor so-ordered our request on the same date. Encouraged by the progress we have made since the mediation, the parties again request a modification of the Civil Case Management Plan for the same reasons. The proposed deadlines are as follows:

The Honorable Alvin K. Hellerstein  
July 25, 2008  
Page 2

Current Civil Case Management Plan	Proposed Amended Civil Case Management Plan
Depositions to be completed by August 11, 2008	Depositions to be completed by October 10, 2008
Class certification discovery to be completed by August 25, 2008	Class Certification Discovery to be completed by October 24, 2008
Motion for class certification filed by September 2, 2008	Motion for class certification filed by November 3, 2008
Opposition to class certification motion to be filed by September 30, 2008	Opposition to class certification motion to be filed by November 26, 2008
Reply to class certification motion to be filed by October 7, 2008	Reply to class certification motion to be filed by December 5, 2008

Respectfully submitted



Joseph A. Patella (JP 3196)

cc: Oren S. Giskan, Esq. (via electronic mail)  
Scott A. Kamber, Esq. (via electronic mail)